IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Before the Board of Patent Appeals and Interferences

Applicant : R. Cressman
Serial No. : 10/767,031
Filed : January 29, 2004
For : A System for Processing Data for Storage and Retrieval
Examiner : Kavita Padmanabhan
Art Unit : 2161

APPEAL BRIEF

May It Please The Honorable Board:

Appellants initiate a new appeal under 37 CFR 41.27 in response to the Final Rejection, dated April 30, 2007, of Claims 1 – 20 of the above-identified application. The fee of five hundred dollars ($500.00) for filing this Brief is to be charged to Deposit Account No. 19-2179. Enclosed is a single copy of this Brief.

Please charge any additional fee or credit any overpayment to the above-identified Deposit Account.

Appellants do not request an oral hearing.

I. REAL PARTY IN INTEREST

The real party in interest of Application Serial No. 10/767,031 is the Assignee of record:

Siemens Medical Solutions Health Services Corporation
51 Valley Stream Parkway
Malvern, PA 19355-1406
which merged into Siemens Medical Solutions USA Inc. on 1 January 2007

II. RELATED APPEALS AND INTERFERENCES

There are currently, and have been, no related Appeals or Interferences regarding Application Serial No. 10/767,031.

III. STATUS OF THE CLAIMS

Claims 1 - 20 are rejected and the rejection of claims 1 – 20 are appealed.

IV. STATUS OF AMENDMENTS

All amendments were entered and are reflected in the claims included in Appendix I.

V. SUMMARY OF CLAIMED SUBJECT MATTER

Independent claim 1 describes a method for processing application program data for storage and retrieval employed by a processing device (page 2, paragraph [2]; page 5, paragraph [36] and [37]; page 13, paragraph [72]; Fig. 1 and Fig. 2). A logical dataset (page 13, paragraph [72] and Fig. 1, reference no. 1300) encompassing a plurality of physical storage datasets is designated (page 13, paragraph [72] and Fig. 1, reference no. 1400, 1500, 1700, 1800). Each of the plurality of physical storage datasets have a predetermined storage capacity (page 13, paragraph [72] and Fig. 1, reference no. 1420, 1520, 1720, 1820). An identifier identifying an end storage address (pages 13-14, paragraph [74] and Fig. 1, reference no. 1440) of a first physical storage dataset (pages 13-14, paragraph [74] and Fig. 1, reference no. 1400) of the local dataset indicating end of the predetermined storage capacity of the first physical storage dataset is stored (page 13, paragraph [73] and Fig. 2, reference no. 2300). The data in the logical dataset is sequentially stored (pages 13-14, paragraph [74] and Fig. 2, reference no. 2400). The sequential storage of data in the logical dataset to determine an occurrence of data storage at a location identified by the end storage address of the first physical storage dataset is monitored (page 17; paragraph [89] and Fig. 2, reference no. 2500). The sequential storage of data in a second physical storage dataset (page 13, paragraph [72] and Fig. 1, reference no. 1500) of the logical dataset starting at an address subsequent to the end storage addresses is continued.

Dependent claim 2 includes the features of independent claim 1 along with the additional feature of maintaining a plurality of identifiers in a repository identifying each end storage address of each physical storage dataset of the plurality of physical storage (page 13, paragraph [73]).

Dependent claim 3 includes the features of independent claim 1 along with the additional feature of sequentially storing data in the first and second physical storage datasets (page 3, paragraph [17]).

Dependent claim 4 includes the features of independent claim 1 along with the additional feature of monitoring the amount of storage used by the logical dataset to enable allocation of physical memory device resources to the logical dataset (page 16, paragraph [91] and Fig. 2, reference no. 2600).

Dependent claim 5 includes the features of independent claim 1 along with the additional feature that the step of continuing the sequential storage of data includes extending the storage (page 8, paragraph [56] and page 16, paragraph [83]) of data beyond a physical storage boundary of the first physical storage dataset in a subsequent physical storage dataset of the logical dataset starting at an address subsequent to the end storage address (pages 13-14, paragraph [74] and Fig. 1, reference no. 1440, 1740).

Independent claim 6 provides a method for processing application program data for storage and retrieval employed by a processing device (page 2, paragraph [2]; page 5, paragraph [36] and [37]; page 13, paragraph [72]; Fig. 1 and Fig. 2). A logical dataset (page 13, paragraph [72] and Fig. 1, reference no. 1300) encompassing a plurality of physical storage datasets is designated (page 13, paragraph [72] and Fig. 1, reference no. 1400, 1500, 1700, 1800). Each of the plurality of physical storage datasets have a predetermined storage capacity (page 13, paragraph [72] and Fig. 1, reference no. 1420, 1520, 1720, 1820). An identifier identifying an end storage address (pages 13-14, paragraph [74] and Fig. 1, reference no. 1440) of a first physical storage dataset (pages 13-14, paragraph [74] and Fig. 1, reference no. 1400) of the local dataset indicating end of the predetermined storage capacity of the first physical storage dataset is maintained (page 13, paragraph [73] and Fig. 2, reference no. 2300). The data in the logical dataset is sequentially stored (pages 13-14, paragraph [74] and Fig. 2, reference no. 2400). The sequential storage of data in the logical dataset to determine an occurrence of data storage at a location identified by the end storage address of the first physical storage dataset is monitored (page 17; paragraph [89] and Fig. 2, reference no. 2500). The sequential storage of data in a second physical storage dataset (page

13, paragraph [72] and Fig. 1, reference no. 1500) of the logical dataset starting at an address subsequent to the end storage addresses is continued.

Dependent claim 7 includes the features of independent claim 6 along with the additional feature that the step of monitoring the sequential storage of data in the logical dataset includes the step of maintaining an identifier of storage capacity used in response to storage of data in the logical dataset (pages 13-14, paragraph [74]).

Dependent claim 8 includes the features of independent claim 6 along with the additional feature that the determination of the occurrence of data storage at the location identified by the end storage address of the first physical storage dataset is performed using the identifier of storage capacity used in the predetermined storage capacity of the first physical storage dataset (pages 13-14, paragraph [74]).

Dependent claim 9 includes all the features of independent claim 6 along with the additional feature that the end storage address of the first physical storage dataset of the logical dataset includes a relative address (page 5, paragraph [35]).

Dependent claim 10 includes all the features of independent claim 6 along with the additional feature that at least one physical storage dataset includes an IBM virtual storage access method entry sequenced dataset (VSAM ESDS) (page 15, paragraph [84]).

Dependent claim 11 includes all the features of independent claim 6 along with the additional feature that the identifier identifying an end storage address includes a pointer supporting identifying address locations of particular records in the logical dataset (pages 15-16, paragraph [87]).

Independent claim 12 provides a system for processing data for storage and retrieval (page 2, paragraph [2]; page 5, paragraph [36] and [37]; page 13, paragraph [72]; Fig. 1 and Fig. 2). A processor (page 3, paragraph [19]; page 13, paragraph [72] and Fig. 1, reference no. 1100) is adapted to designate a logical dataset encompassing a plurality of physical storage datasets (page 13, paragraph [72] and Fig. 1, reference no. 1400, 1500, 1700, 1800) having predetermined storage capacities (page 13, paragraph [72] and Fig. 1, reference no. 1420, 1520, 1720, 1820). A dataset processor (page 3, paragraph [17]; page 13, paragraph [72]; page 13, paragraph [73] and Fig. 1, reference no. 1200) is adapted to maintain an identifier identifying an end storage address (pages 13-14, paragraph [74] and Fig. 1, reference no. 1440) of a first physical storage dataset (pages 13-14, paragraph [74] and Fig. 1, reference no. 1400) of the logical dataset indicating end of the predetermined storage capacity

of the first physical storage dataset (page 13, paragraph [73] and Fig. 2, reference no. 2300). The dataset processor is also adapted to sequentially store data in the logical dataset (pages 13-14, paragraph [74] and Fig. 2, reference no. 2400), monitor the sequential storage of data in the logical dataset to determine an occurrence of data storage at a location identified by the end storage address of the first physical storage dataset (page 17; paragraph [89] and Fig. 2, reference no. 2500) and continue the sequential storage of data in a second physical storage dataset (page 13, paragraph [72] and Fig. 1, reference no. 1500) of the logical dataset starting at an address subsequent to the end storage address.

Dependent claim 13 includes all the features of independent claim 12 along with the additional feature that the processor is adaptable to maintain an identifier of storage capacity used in response to storage of data in the logical dataset (page 3, paragraph [19]).

Dependent claim 14 includes all the features of independent claim 12 along with the additional feature that the dataset processor is adaptable to determine the occurrence of data storage at the location identified by the end storage address of the first physical storage dataset by using an identifier of storage capacity used and the predetermined storage capacity of the first physical storage dataset (pages 13-14, paragraph [74]).

Dependent claim 15 includes all the features of independent claim 12 along with the additional feature that the end storage address of the first physical storage dataset of the logical dataset includes a relative address (page 5, paragraph [35]).

Dependent claim 16 includes all the features of independent claim 12 along with the additional feature that the at least one physical storage dataset includes an IBM virtual storage access method entry sequenced dataset (VSAM ESDS) (page 15, paragraph [84]).

Dependent claim 17 includes all the features of independent claim 12 along with the additional feature that the identifier identifying an end storage address includes a pointer supporting identifying address locations of particular records in the logical dataset (pages 15-16, paragraph [87]).

Independent claim 18 provides a machine-readable media (page 4, paragraph [27]) including instructions for a plurality of activities. A logical dataset (page 13, paragraph [72] and Fig. 1, reference no. 1300) encompassing a plurality of physical storage datasets is designated (page 13, paragraph [72] and Fig. 1, reference no. 1400, 1500, 1700, 1800). Each of the plurality of physical storage datasets have predetermined storage capacities (page 13, paragraph [72] and Fig. 1, reference no. 1420, 1520, 1720, 1820). An identifier identifying

an end storage address (pages 13-14, paragraph [74] and Fig. 1, reference no. 1440) of a first physical storage dataset (pages 13-14, paragraph [74] and Fig. 1, reference no. 1400) of the logical dataset indicating end of the predetermined storage capacity of the first physical storage dataset is maintained (page 13, paragraph [73] and Fig. 2, reference no. 2300). The data in the logical dataset is sequentially stored (pages 13-14, paragraph [74] and Fig. 2, reference no. 2400). The sequential storage of data in the logical dataset to determine an occurrence of data storage at a location identified by the end storage address of the first physical storage dataset is monitored (page 17; paragraph [89] and Fig. 2, reference no. 2500). The sequential storage of data in a second physical storage dataset (page 13, paragraph [72] and Fig. 1, reference no. 1500) of the logical dataset starting at an address subsequent to the end storage addresses is continued.

Dependent claim 19 includes all the features of independent claim 18 along with the additional feature that a physical storage dataset includes an IBM virtual storage access method entry sequenced dataset (VSAM ESDS) (page 15, paragraph [84]).

Dependent claim 20 includes all the features of independent claim 19 along with the additional feature that the end storage address of the first physical storage dataset of the logical dataset includes a relative address (page 5, paragraph [35]).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1-20 are rejected under 35 USC 112, first paragraph, as failing to comply with the written description requirement.

Claims 1-9, 11-15, 17, 18 and 20 are rejected under 35 USC 102(b) as being anticipated by Brewer et al. (U.S. Patent No. 5,613,082).

Claims 10, 16 and 19 are rejected under 35 USC 103(a) as being unpatentable over Brewer et al. (U.S. Patent No. 5,613,082) in view of Plow (U.S. Patent No. 4,408,273)

VII. ARGUMENT

Applicant respectfully submits that claims 1 – 20 satisfy the requirements set forth in 35 UCS 112, first paragraph and fully comply with the written description requirement. Brewer does anticipate the present claimed invention. Additionally, Brewer, when taken alone or in combination with Plow, does not make the present claimed invention unpatentable. Thus, reversal of the Final Rejection (hereinafter termed "rejection") of claims 1-20 under 35 U.S.C. § 112, first para., 102(b) and 103(a) is respectfully requested.

Rejection of Claims 1-20 under 35 USC 112, first paragraph

Claims 1-20 are rejected under 35 USC 112, first paragraph, as failing to comply with the written description requirement.

Claims 1 and 6 are rejected because they recite "employed by a processing device" in the preamble of the claims and the Rejection asserts that there is no support for the term "processing device" in the specification. Applicant respectfully disagrees and specifically points out that the term "processing device" is shown in Figure 1 and the corresponding description in paragraph 72 which states "Fig. 1 is a flow diagram of an exemplary embodiment of **a system 1000 for processing data 1050** for storage and retrieval and comprising a designation processor 1100." A system that processes data as described throughout the specification is a "processing device" as claimed in claims 1 and 6. Moreover, the term "processor" is defined in paragraph 33 of the present specification which recites:

> "**processor** – any device and/or set of machine-readable instructions adaptable to perform a specific task. A processor comprises any one or combination of hardware, firmware, and/or software adaptable to perform a specific task. A processor acts upon information by manipulating, analyzing, modifying, converting, transmitting the information to an information device, and/or routing the information to an output device. A processor may reside on and use the capabilities of a controller.

Thus, in view of the explicit definition of the term processor and its understanding by persons skilled in the art, Applicant respectfully submits that the term "processing device" is fully supported in the specification as required by 35 USC 112, first paragraph.

The Rejection further asserts that claims 1, 6, 12 and 18 recites "an identifier…indicating end of said predetermined storage capacity of said first physical storage dataset" and that this feature is also not adequately supported. The Rejection asserts that the support provided by Applicant (page 17, par 87) does not support the claimed feature. Applicant respectfully disagrees. In fact, the paragraph is reproduced in the rejection and clearly states that "an identifier identifying an end storage address of a physical storage dataset is maintained". The words in the specification are almost verbatim as the feature claimed in the rejection claims. Moreover, paragraph 89 of the present specification further states that "[d]etermining the end storage address of the particular physical storage data set is performed using an identifier of storage capacity used and a value representing the predetermined storage capacity of the particular physical storage dataset". Therefore, in view

of the explicit support in the specification, Applicant respectfully submits that this feature is fully supported as required by 35 USC 112, first paragraph.

The Rejection further states that the term repository as claimed in claim 2 is not supported in the specification. However, in paragraphs 2 and 34, it is stated that data and datasets store information and that these datasets are stored in databases. Additionally, paragraph 34 defines a collection of records as a database. It is well known that the a repository as used in the computer arts is a device for storing information which is synonymous with a database. Therefore, in view of the well known interchangeability between the term "repository" and the term "database", and that the present specification specifically contemplates that a database is a "collection of records" (par. 34), it is respectfully submitted that claim 2 fully complies with the written description requirement set forth in 35 USC 112, first paragraph.

[1] The rejection further asserts that claim 3 recites "sequentially storing data in said first and second physical datasets" and that this feature is also not supported by the present specification. Applicant, once again, disagrees with the assertion made in the Rejection. Specifically, claim 1 recites a "plurality of physical storage datasets" and paragraph 72 of the present specification recites that "First logical dataset 1300 comprises a first physical storage dataset 1400 and a second physical storage dataset 1500". Paragraph 74 further provides support for sequential storage and states "After reaching the location identified by an end storage address 1440 of physical storage dataset 1400 dataset processor 1200 sequentially stores data in the next subsequent physical storage dataset 1500, 1800 of logical dataset 1300 and 1600 respectively starting at an address subsequent to the end storage addresses 1440, 1740.". Consequently, this feature is fully supported as required by 35 USC 112, first paragraph.

Therefore, in view of the above remarks and cited sections of the present specification, Applicant respectfully submits that claims 1 – 20 comply with 35 USC 112, first paragraph. Thus, withdrawal of the rejection is respectfully requested.

Rejection of Claims 1-9, 11-15, 17, 18 and 20 under 35 U.S.C. 102(b) over Brewer et al. (U.S. Patent No. 5,613,082)

Reversal of the rejection of claims 1-9, 11-15, 17, 18 and 20 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,613,082 issued to Brewer is respectfully requested

because the rejection makes crucial errors in interpreting the cited reference. The rejection erroneously states that claims 1-9, 11-15, 17, 18 and 20 are anticipated by Brewer.

Overview of the Cited References

Brewer describes a data storage system that includes a data storage medium, such as a magnetic tape, that has a first control data storing area or drive partition that is addressable only by a peripheral drive mounting the medium and a plurality of other addressable data storage partitions for storing data. A volume table of contents may be stored in one of the addressable partitions. A tachometer measures and indicates physical locations on the storage medium. Each of the partitions have an extent on the storage medium indicated by the physical locations. The control data in the drive partition includes directories of medium control blocks, such as tape marks, defect marks and the like; directory of all addressable partitions including the physical locations at the beginning of each partitions and other medium physical and logical parameter data. A so-called mount-demount medium control block in the drive partition indicates a demount status that shows all data stored in the drive partition is valid. Loading a storage medium into a drive does not mount the drive for recording and reading. First, a copy of the drive partition stored data is copied to a memory in the peripheral drive and the mount-demount medium control block is marked to indicate the storage medium is mounted. Then, the peripheral drive can indicate to an attaching unit that the storage medium is mounted for use in data processing activities (see Abstract).

Plow describes a data set catalog structure that eliminates the requirement for base catalog/data volume synchronization in a multi-processing environment while enabling the operating efficiency directly addressing the data volumes. The catalog is distributed between a keyed sequential base catalog and, on each data volume, an entry sequential volume data set. Catalog information which must be synchronized with application data sets is stored in volume records in the volume data set (see Abstract).

CLAIMS 1 and 3

Claim 1 recites a method for processing application program data for storage and retrieval employed by a processing device. A logical dataset is designated and encompasses a plurality of physical storage datasets, each of the plurality of physical storage datasets having a predetermined storage capacity. An identifier identifying an end storage address of a first physical storage dataset of said logical dataset indicating end of said predetermined storage capacity of said first physical storage dataset is stored. Data is sequentially stored in the logical dataset and is monitored. The monitoring of the sequential storage of data in the logical dataset determines an occurrence of data storage at a location identified by the end

storage address of the first physical storage dataset. Sequential storage of data is continued in a second physical storage dataset of the logical dataset starting at an address subsequent to the end storage address. Brewer, for the reasons presented below, neither discloses nor suggests each of the above claimed features.

Brewer provides a data storage system that controls recording media by device independently of a host processor (see col. 1, lines 31 – 15). Specifically, the Brewer system does not use the host processor or host processor executed software to create, update and manage internal data structures (col. 1, lines 62 – 66). Brewer describes a "peripheral device, such as a magnetic tape drive [having] a reel tachometer indicator that meters magnetic tape displacement and addressability of a magnetic tape that facilitates high speed searching or locating data blocks" (see col. 2, lines 48 – 52). Brewer further provides a "directory of peripheral drive readable 'end-of-data' (EOD) data block or tape mark [that] enables high speed locate to the last written EOD that signifies the end of data of a record medium" and which also may be used to locate "end of data in so-called partitions in a magnetic tape" (col. 3, lines 12 – 16). The Brewer system is wholly unlike and unrelated to the operation of the present claimed system.

Applicant respectfully disagrees with the assertion on page 5 of the Rejection that states Brewer describes an "identifier identifying an end storage address of a first physical storage dataset of said logical dataset indicating an end of said predetermined storage capacity of said first physical storage dataset" as in the present claimed invention. Rather, column 3, lines 12 – 16 and column 8, lines 58 – 62 merely disclose the use of an "end of data block (EOD)" that identifies the end of recorded data on a medium. The EOD in Brewer enables high speed location of the end of the data in a particular partition on the magnetic tape. The EOD's are simply place holders that "enables a fast locate to the end of recorded data on a tape" (col. 8, line 62). Brewer neither discloses nor suggests the use of an "identifier" that "indicates an end of said predetermined **storage capacity"** in a physical storage dataset as in the present claimed invention. The "identifier…indicating an end of said predetermined storage capacity" is used to facilitate sequential dataset storage across a "plurality of physical storage dataset" boundaries. In contrast to the EOD of Brewer is NOT equivalent to the claimed identifier that indicates an "end of capacity" in a physical storage dataset. Rather, the EOD in Brewer merely marks an address indicating the end of stored data. Moreover, in column 8, lines 33 – 35, Brewer describes that an EOD may be located at the beginning (not end of storage capacity as in the present claimed arrangement) of the partition when the partition is empty. Therefore, it is respectfully submitted that the EOD of Brewer is merely an end of recorded data indicator and does not "indicate an end of said

predetermined **storage capacity of said first physical storage dataset"** as in the present claimed invention.

Brewer discloses a system that avoids the use of the "host processor" or software executed by the "host processor" which is integrated within the operating system at the I/O subsystem level. This is in direct contrast with the present claimed method which "processes application program data for storage and retrieval employed by a processing device". The present claimed invention operates on top of the computer operating system and therefore, operates on a different level than the "host processor software" in Brewer. Unlike Brewer, the present claimed system designates "a **logical dataset** encompassing a plurality of **physical datasets**" and "stor[es] an identifier identifying an end storage address ...indicating **an end of said predetermined storage capacity** of said first physical storage dataset". Brewer provides no 35 USC 112 compliant enabling disclosure that indicates any concern for or handling of the claimed "identifier" which identifies an "end storage address" that correlates to the "end of said predetermined storage capacity" of a physical storage dataset. As defined in the present specification the term "logical" is a "user's view of the way data is organized" and the term "physical" indicates "an operating system's view of the way data is organized". The claimed "identifier" facilitates sequential storage of data within a logical data set across different physical datasets. This feature or functionality is neither disclosed nor suggested by Brewer.

Brewer contemplates logical partitions located on a **single magnetic tape media** (see col. 5, lines 55 – 66). However, Brewer neither discloses nor suggests "a logical dataset encompassing a plurality of physical datasets, each of said plurality of physical datasets having a predetermined storage capacity" as in the present claimed invention. In fact, Brewer would not need, or be modified to, include this feature, as Brewer is concerned with removing the creation, update and maintenance functions from the host processor or host processor software (i.e. operating system). Brewer is concerned with allowing a peripheral device, and specifically a magnetic tape drive, to perform the above functions relating to data storage on the individual magnetic tape. Thus, Brewer fails to describe a "logical dataset" that includes a "plurality of physical storage datasets". Applicant further respectfully disagrees with the sections cited in support of the Rejections assertion that Brewer describes the claimed feature. The cited sections merely describe storing data in logical partitions on **a single physical medium,** i.e. a magnetic tape.

Applicant further respectfully submits that Brewer fails to disclose the activity of "sequentially storing data in said logical dataset" as in the claimed arrangement. Rather, in

column 8, lines 22 – 36, Brewer defines a logical structure on a single magnetic tape that includes a plurality of sequentially numbered partitions. Additionally, column 12, lines 47 – 50 provide no additional or enabling 35 USC 112 compliant disclosure regarding how data is to be stored. Contrary to the claimed arrangement, the cited section of Brewer discloses creation of partitions which are stored in a partition directory and are then able to receive data. This is NOT "sequentially storing data in said logical dataset" as in the present claimed invention.

Moreover, as Brewer is not concerned with an address indicating the end of storage capacity of a respective physical storage dataset of a logical dataset, Brewer similarly provides no enabling disclosure of "monitoring said sequential storage…to determine an occurrence of data storage at a location identified by said end storage address" and "continuing said sequential storage of data in **a second physical storage dataset** at an address subsequent to said end storage address" as in the present claimed invention. Brewer is concerned with and defines a system unlike and unrelated to the present claimed system. The Brewer system includes a plurality of moveable EODs that identifies the last position at which data was recorded. The EODs are dependent location and are written without regard for the storage capacity of the device. Therefore, Applicant respectfully submits that Brewer fails to disclose each element of the present claimed invention and does not anticipate the present claimed invention. Consequently, it is respectfully requested that this rejection under 35 USC 102(b) be withdrawn.

Claim 3 is dependent on claim 1 and is considered patentable for the reasons presented above with respect to claim 1.

CLAIM 2

Claim 2 is considered patentable because it is dependent on claim 1. Claim 2 is also considered patentable because Brewer neither discloses nor suggests "maintaining a plurality of identifiers in a repository identifying each end storage address of each physical storage dataset" as in the present claimed invention. The repository of the claimed invention maintains addresses which indicate the end of storage capacity for the physical storage datasets. As discussed above, Brewer neither discloses nor suggests "an identifier…indicating an end of said predetermined storage capacity of said first physical storage dataset" as in the present claimed invention. Brewer is merely concerned with writing an EOD for each partition that shows the last position at which data was recorded. Therefore, any database in Brewer of EODs is not equivalent to "maintaining a plurality of identifiers in a repository" as in the present claimed invention. Consequently, it is respectfully requested that the rejection under 35 USC 102(b) be withdrawn.

CLAIM 4

Claim 4 is considered patentable because of it is dependent on independent claim 1. Claim 4 is also considered patentable because Brewer fails to disclose the activity of "monitoring the amount of storage used by the logical dataset to enable allocation of physical memory device resources to the logical dataset" as in the present claimed invention. Brewer provides no 35 USC 112 compliant enabling disclosure of this feature. Consequently, it is respectfully requested that the rejection under 35 USC 102(b) be withdrawn.

CLAIM 5

Claim 5 is considered patentable because of it is dependent on independent claim 1. Claim 5 is also considered patentable because Brewer fails to disclose the activity of "continuing said sequential storage of data". As discussed above, Brewer is silent with respect to how the data is stored. Instead, Brewer is concerned with where (i.e. the position at which) the data is stored. Additionally, as discussed above Brewer provides no enabling disclosure of an address that designates an end of storage **capacity for physical datasets encompassed within a logical dataset**. Thus, it is respectfully submitted that Brewer neither discloses nor suggests "extending the storage of data beyond a physical storage boundary of said first physical storage dataset in a subsequent physical storage dataset... at an address subsequent to said end storage address" as in the present claimed invention. As stated in column 11, lines 45 – 50, Brewer writes a new EOD when data has been recorded and the EOD is positioned downstream from that data. Thus, the EOD is a moveable mark that identifies an address where data was last written and is NOT equivalent to "an identifier...indicating an end of said predetermined storage capacity" of a physical storage dataset as in the present claimed invention. monitoring the amount of storage used by the logical dataset to enable allocation of physical memory device resources to the logical dataset" as in the present claimed invention. Brewer provides no 35 USC 112 compliant enabling disclosure of this feature. Consequently, it is respectfully requested that the rejection under 35 USC 102(b) be withdrawn.

CLAIM 6

Independent claim 6 is considered patentable because of the reasons presented above with respect to claim 1. Claim 6 is also considered patentable because Brewer fails to disclose or suggest "maintaining an identifier identifying an end storage address of a first physical storage dataset of said logical dataset indicating end of said predetermined storage capacity of said first physical storage dataset" as in the present claimed invention. As discussed above with respect to claim 1. Brewer is not concerned with controlling data storage over multiple physical storage datasets using an "address indicating an end of said predetermined storage

capacity" of the physical dataset. Brewer provides no 35 USC 112 compliant enabling disclosure of this feature. Consequently, it is respectfully requested that the rejection under 35 USC 102(b) be withdrawn.

CLAIMS 7-9 and 11

Claims 7 – 9 and 11 are considered patentable because of they are dependent on independent claim 6. Claims 7 – 9 and 11 are also considered patentable because the features claimed therein relate to the "storage capacity" of "a physical storage dataset". As discussed above, Brewer provides no 35 USC 112 compliant enabling disclosure regarding sequentially storing data using an end of storage capacity identifier for individual physical datasets encompassed within a logical dataset which facilitates sequential dataset storage across physical storage boundaries. Consequently, it is respectfully requested that the rejection under 35 USC 102(b) be withdrawn.

CLAIM 12

Independent claim 12 is considered patentable for the reasons presented above with respect to claims 1 and 6. Claim 12 is also considered patentable for the following reasons. Brewer provides a data storage system that controls recording media by device independently of a host processor (see col. 1, lines 31 – 15). Specifically, the Brewer system does not use the host processor or host processor executed software to create, update and manage internal data structures (col. 1, lines 62 – 66). Brewer describes a "peripheral device, such as a magnetic tape drive [having] a reel tachometer indicator that meters magnetic tape displacement and addressability of a magnetic tape that facilitates high speed searching or locating data blocks" (see col. 2, lines 48 – 52). Brewer further provides a "directory of peripheral drive readable 'end-of-data' (EOD) data block or tape mark [that] enables high speed locate to the last written EOD that signifies the end of data of a record medium" and which also may be used to locate "end of data in so-called partitions in a magnetic tape" (col. 3, lines 12 – 16). The Brewer system is wholly unlike and unrelated to the operation of the present claimed system.

Applicant respectfully disagrees with the assertion in the Rejection that states Brewer describes an "identifier identifying an end storage address of a first physical storage dataset of said logical dataset indicating an end of said predetermined storage capacity of said first physical storage dataset" as in the present claimed invention. Rather, column 3, lines 12 – 16 and column 8, lines 58 – 62 merely disclose the use of an "end of data block (EOD)" that identifies the end of recorded data on a medium. The EOD in Brewer enables high speed location of the end of the data in a particular partition on the magnetic tape. The EOD's are simply place holders that "enables a fast locate to the end of recorded data on a tape" (col. 8,

line 62). Brewer neither discloses nor suggests the use of an "identifier" that "indicates an end of said predetermined **storage capacity"** in a physical storage dataset as in the present claimed invention. The "identifier...indicating an end of said predetermined storage capacity" is used to facilitate sequential dataset storage across a "plurality of physical storage dataset" boundaries. In contrast to the EOD of Brewer is NOT equivalent to the claimed identifier that indicates an "end of capacity" in a physical storage dataset. Rather, the EOD in Brewer merely marks an address indicating the end of stored data. Moreover, in column 8, lines 33 – 35, Brewer describes that an EOD may be located at the beginning (not end of storage capacity as in the present claimed arrangement) of the partition when the partition is empty. Therefore, it is respectfully submitted that the EOD of Brewer is merely an end of recorded data indicator and does not "indicate an end of said predetermined **storage capacity of said first physical storage dataset"** as in the present claimed invention.

Brewer discloses a system that avoids the use of the "host processor" or software executed by the "host processor" which is integrated within the operating system at the I/O subsystem level. This is in direct contrast with the present claimed method which "processes application program data for storage and retrieval employed by a processing device". The present claimed invention operates on top of the computer operating system and therefore, operates on a different level than the "host processor software" in Brewer. Unlike Brewer, the present claimed system designates "a **logical dataset** encompassing a plurality of **physical datasets**" and "stor[es] an identifier identifying an end storage address ...indicating **an end of said predetermined storage capacity** of said first physical storage dataset". Brewer provides no 35 USC 112 compliant enabling disclosure that indicates any concern for or handling of the claimed "identifier" which identifies an "end storage address" that correlates to the "end of said predetermined storage capacity" of a physical storage dataset. As defined in the present specification the term "logical" is a "user's view of the way data is organized" and the term "physical" indicates "an operating system's view of the way data is organized". The claimed "identifier" facilitates sequential storage of data within a logical dataset across different physical datasets. This feature or functionality is neither disclosed nor suggested by Brewer.

Brewer contemplates logical partitions located on a **single magnetic tape media** (see col. 5, lines 55 – 66). However, Brewer neither discloses nor suggests "a logical dataset encompassing a plurality of physical datasets, each of said plurality of physical datasets having a predetermined storage capacity" as in the present claimed invention. In fact, Brewer would not need, or be modified to, include this feature, as Brewer is concerned with removing the creation, update and maintenance functions from the host processor or host processor software (i.e. operating system). Brewer is concerned with allowing a peripheral

device, and specifically a magnetic tape drive, to perform the above functions relating to data storage on the individual magnetic tape. Thus, Brewer fails to describe a "logical dataset" that includes a "plurality of physical storage datasets". Applicant further respectfully disagrees with the sections cited in support of the Rejections assertion that Brewer describes the claimed feature. The cited sections merely describe storing data in logical partitions on **a single physical medium,** i.e. a magnetic tape.

Applicant further respectfully submits that Brewer fails to disclose the activity of "sequentially storing data in said logical dataset" as in the claimed arrangement. Rather, in column 8, lines 22 – 36, Brewer defines a logical structure on a single magnetic tape that includes a plurality of sequentially numbered partitions. Additionally, column 12, lines 47 – 50 provide no additional or enabling 35 USC 112 compliant disclosure regarding how data is to be stored. Contrary to the claimed arrangement, the cited section of Brewer discloses creation of partitions which are stored in a partition directory and are then able to receive data. This is NOT "sequentially storing data in said logical dataset" as in the present claimed invention.

Moreover, as Brewer is not concerned with an address indicating the end of storage capacity of a respective physical storage dataset of a logical dataset, Brewer similarly provides no enabling disclosure of "monitoring said sequential storage…to determine an occurrence of data storage at a location identified by said end storage address" and "continuing said sequential storage of data in **a second physical storage dataset** at an address subsequent to said end storage address" as in the present claimed invention. Brewer is concerned with and defines a system unlike and unrelated to the present claimed system. The Brewer system includes a plurality of moveable EODs that identifies the last position at which data was recorded. The EODs are dependent location and are written without regard for the storage capacity of the device. Therefore, Applicant respectfully submits that Brewer fails to disclose each element of the present claimed invention and does not anticipate the present claimed invention. Consequently, it is respectfully requested that the rejection 35 USC 102(b) be withdrawn.

CLAIMS 13-15 and 17

Claims 13 – 15 and 17 are considered patentable because they are dependent on independent claim 12. Claims 13 – 15 and 17 are also considered patentable because the features claimed therein relate to the "storage capacity" of "a physical storage dataset". As discussed above, Brewer provides no 35 USC 112 compliant enabling disclosure regarding sequentially storing data using an end of storage capacity identifier for individual physical

datasets encompassed within a logical dataset which facilitates sequential dataset storage across physical storage boundaries. Consequently, it is respectfully requested that the rejection under 35 USC 102(b) be withdrawn.

CLAIMS 18 and 20

Independent claim 18 is considered patentable for the reasons presented above with respect to claims 1 and 6. As discussed above, Brewer provides a data storage system that controls recording media by device independently of a host processor (see col. 1, lines 31 – 15). Specifically, the Brewer system does not use the host processor or host processor executed software to create, update and manage internal data structures (col. 1, lines 62 – 66). Brewer describes a "peripheral device, such as a magnetic tape drive [having] a reel tachometer indicator that meters magnetic tape displacement and addressability of a magnetic tape that facilitates high speed searching or locating data blocks" (see col. 2, lines 48 – 52). Brewer further provides a "directory of peripheral drive readable 'end-of-data' (EOD) data block or tape mark [that] enables high speed locate to the last written EOD that signifies the end of data of a record medium" and which also may be used to locate "end of data in so-called partitions in a magnetic tape" (col. 3, lines 12 – 16). The Brewer system is wholly unlike and unrelated to the operation of the present claimed system.

Applicant respectfully disagrees with the assertion in the Rejection that states Brewer describes an "identifier identifying an end storage address of a first physical storage dataset of said logical dataset indicating an end of said predetermined storage capacity of said first physical storage dataset" as in the present claimed invention. Rather, column 3, lines 12 – 16 and column 8, lines 58 – 62 merely disclose the use of an "end of data block (EOD)" that identifies the end of recorded data on a medium. The EOD in Brewer enables high speed location of the end of the data in a particular partition on the magnetic tape. The EOD's are simply place holders that "enables a fast locate to the end of recorded data on a tape" (col. 8, line 62). Brewer neither discloses nor suggests the use of an "identifier" that "indicates an end of said predetermined **storage capacity"** in a physical storage dataset as in the present claimed invention. The "identifier…indicating an end of said predetermined storage capacity" is used to facilitate sequential dataset storage across a "plurality of physical storage dataset" boundaries. In contrast to the EOD of Brewer is NOT equivalent to the claimed identifier that indicates an "end of capacity" in a physical storage dataset. Rather, the EOD in Brewer merely marks an address indicating the end of stored data. Moreover, in column 8, lines 33 – 35, Brewer describes that an EOD may be located at the beginning (not end of storage capacity as in the present claimed arrangement) of the partition when the partition is empty. Therefore, it is respectfully submitted that the EOD of Brewer is merely an end of

recorded data indicator and does not "indicate an end of said predetermined **storage capacity of said first physical storage dataset"** as in the present claimed invention.

Brewer discloses a system that avoids the use of the "host processor" or software executed by the "host processor" which is integrated within the operating system at the I/O subsystem level. This is in direct contrast with the present claimed method which "processes application program data for storage and retrieval employed by a processing device". The present claimed invention operates on top of the computer operating system and therefore, operates on a different level than the "host processor software" in Brewer. Unlike Brewer, the present claimed system designates "a **logical dataset** encompassing a plurality of **physical datasets**" and "stor[es] an identifier identifying an end storage address ...indicating **an end of said predetermined storage capacity** of said first physical storage dataset". Brewer provides no 35 USC 112 compliant enabling disclosure that indicates any concern for or handling of the claimed "identifier" which identifies an "end storage address" that correlates to the "end of said predetermined storage capacity" of a physical storage dataset. As defined in the present specification the term "logical" is a "user's view of the way data is organized" and the term "physical" indicates "an operating system's view of the way data is organized". The claimed "identifier" facilitates sequential storage of data within a logical data set across different physical datasets. This feature or functionality is neither disclosed nor suggested by Brewer.

Brewer contemplates logical partitions located on a **single magnetic tape media** (see col. 5, lines 55 – 66). However, Brewer neither discloses nor suggests "a logical dataset encompassing a plurality of physical datasets, each of said plurality of physical datasets having a predetermined storage capacity" as in the present claimed invention. In fact, Brewer would not need, or be modified to, include this feature, as Brewer is concerned with removing the creation, update and maintenance functions from the host processor or host processor software (i.e. operating system). Brewer is concerned with allowing a peripheral device, and specifically a magnetic tape drive, to perform the above functions relating to data storage on the individual magnetic tape. Thus, Brewer fails to describe a "logical dataset" that includes a "plurality of physical storage datasets". Applicant further respectfully disagrees with the sections cited in support of the Rejections assertion that Brewer describes the claimed feature. The cited sections merely describe storing data in logical partitions on **a single physical medium,** i.e. a magnetic tape.

Applicant further respectfully submits that Brewer fails to disclose the activity of "sequentially storing data in said logical dataset" as in the claimed arrangement. Rather, in

column 8, lines 22 – 36, Brewer defines a logical structure on a single magnetic tape that includes a plurality of sequentially numbered partitions. Additionally, column 12, lines 47 – 50 provide no additional or enabling 35 USC 112 compliant disclosure regarding how data is to be stored. Contrary to the claimed arrangement, the cited section of Brewer discloses creation of partitions which are stored in a partition directory and are then able to receive data. This is NOT "sequentially storing data in said logical dataset" as in the present claimed invention.

Moreover, as Brewer is not concerned with an address indicating the end of storage capacity of a respective physical storage dataset of a logical dataset, Brewer similarly provides no enabling disclosure of "monitoring said sequential storage…to determine an occurrence of data storage at a location identified by said end storage address" and "continuing said sequential storage of data in **a second physical storage dataset** at an address subsequent to said end storage address" as in the present claimed invention. Brewer is concerned with and defines a system unlike and unrelated to the present claimed system. The Brewer system includes a plurality of moveable EODs that identifies the last position at which data was recorded. The EODs are dependent location and are written without regard for the storage capacity of the device. Therefore, Applicant respectfully submits that Brewer fails to disclose each element of the present claimed invention and does not anticipate the present claimed invention. Consequently, it is respectfully requested that the rejection under 35 USC 102(b) be withdrawn.

Claim 20 is considered patentable because of it is dependent on independent claim 18. Consequently, it is respectfully requested that the rejection 35 USC 102(b) be withdrawn.

In view of the above remarks and amendments to the claims, it is respectfully submitted that Brewer provide no 35 USC 112 compliant enabling disclosure that anticipates the invention claimed in claims 1, 6, 12 and 18. As claims 2 – 5 are dependent on claim 1, claims 7 – 9 and 11 are dependent on claim 6, claims 13 – 15 and 17 are dependent on claim 12 and claim 20 is dependent on claim 18, Applicant respectfully submits that these claims are similarly not anticipated by Brewer. Therefore, it is further respectfully submitted that this rejection has been satisfied and should be withdrawn.

Rejection of Claims 10, 16 and 19 under 35 U.S.C. 103(a) over Brewer et al. (U.S. Patent No. 5,613,082) in view of Plow (U.S. Patent No. 4,408,273)

Reversal of the rejection of claims 10, 16 and 19 under 35 U.S.C. 103(a) as being unpatentable over Brewer et al. (U.S. Patent No. 5,613,082) in view of Plow (US 4,408,273)

is respectfully requested. The rejection erroneously states that claims 10, 16 and 19 are obvious in view of Brewer in view of Plow for the reasons discussed herein below.

In rejecting claims under 35 U.S.C. § 103, it is incumbent upon the examiner to establish a factual basis to support the legal conclusion of obviousness. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596, 1598 (Fed.Cir. 1988). In so doing, the Examiner is expected to make the factual determinations set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 17, 148 USPQ 459, 467 (CCPA 1966), and to provide a reason why one having ordinary skill in the pertinent art would have been led to modify the prior art or to combine prior art references to arrive at the claimed invention. Such reason must stem from some teaching, suggestion, or implication in the prior art as a whole or knowledge generally available to one having ordinary skill in the art. *Uniroyal, Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044, 1051, 5 USPQ2d 1434, 1438 (Fed.Cir. 1988), *cert. denied*, 488 U.S. 825 (1988); *Ashland Oil Inc. v. Delta Resins & Refractories, Inc.*, 776 F.2d 28, 293, 227 USPQ 657, 664 (Fed.Cir. 1985), *cert. denied*, 475 U.S. 1017 (1986); *ACS Hosp. Sys., Inc. v. Montefiore Hosp.*, 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed.Cir. 1984). These showings by the Examiner are an essential part of complying with the burden of presenting a *prima facie* case of obviousness. *In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed.Cir. 1992).

CLAIM 10

Claim 10 is considered patentable because of it is dependent on independent claim 6 and for the reasons presented above with respect to claims 1 and 6. Claim 10 is also considered patentable because Brewer (with Plow) fails to disclose the features of the present claimed invention. Plow describes a system for cataloging datasets that are stored in a system catalog and which enables opening the datasets on shared volumes in a multi-processing environment (see col. 1, lines 6 – 10). Specifically, the Plow system describes cataloging a plurality of datasets for use by multiple users to prevent out of synch errors from occurring (see col. 4, line 65 – col. 5, line 10). Similarly to Brewer, Plow neither discloses nor suggests "designating a logical dataset encompassing a plurality of physical storage datasets individually having a predetermined storage capacity" as in the present claimed invention. Furthermore, Brewer (with Plow) fails to disclose or suggest "maintaining an identifier identifying an end storage address of a first physical storage dataset of said logical dataset indicating end of said predetermined storage capacity of said first physical storage dataset" as in the present claimed invention. Brewer (with Plow) also neither disclose nor suggest "sequentially storing data in said logical dataset" and "monitoring said sequential storage of data in said logical dataset to determine an occurrence of data storage at a location identified by said end storage address of said first physical storage dataset" as in the present claimed

invention. Brewer (with Plow) are not at all concerned with managing and storing data across a plurality of physical storage datasets encompassed by a single logical dataset.

Applicant respectfully submits that any combination of the systems disclosed by Brewer and Plow also would neither disclose the present claimed invention. Rather, the result of the combined system would enable positioned moveable EOD's on different partitions to indicate where data has last been written and catalog the EODs to enable a search and quick location of the EODs. As discussed above, this is wholly unlike and unrelated to the present claimed system. Consequently, it is respectfully requested that the rejection 35 USC 103(a) be withdrawn.

CLAIM 16

Claim 16 is considered patentable because of it is dependent on independent claim 12 and for the reasons presented above with respect to claim 10. Consequently, it is respectfully requested that the rejection 35 USC 102(b) be withdrawn.

CLAIM 19

Claim 19 is considered patentable because of it is dependent on independent claim 18 and for the reasons presented above with respect to claim 10. Consequently, it is respectfully requested that the rejection 35 USC 102(b) be withdrawn.

In view of the above remarks and amendments to the claims, it is respectfully submitted that Brewer alone or in combination with Plow provide no 35 USC 112 compliant enabling disclosure that makes the invention claimed in claims 6, 12 and 18 unpatentable. As claim 10 is dependent on claim 6, claim16 is dependent on claim 12 and claim 19 is dependent on claim 18, Applicant respectfully submits that these claims are similarly not made unpatentable by Brewer (with Plow). Therefore, it is further respectfully submitted that this rejection has been satisfied and should be withdrawn.

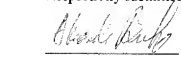
VIII CONCLUSION

It is respectfully submitted that Brewer alone or in combination with Plow neither disclose nor suggest "designating a logical dataset encompassing a plurality of physical storage datasets, each of said plurality of physical storage datasets having a predetermined storage capacity" as recited in the claimed arrangement. Additionally, Brewer with Plow fail to disclose or suggest "storing an identifier identifying an end storage address of a first physical storage dataset of said logical dataset indicating end of said predetermined storage capacity of said first physical storage dataset" and "sequentially storing data in said logical

dataset" as recited in the present invention. Moreover, Brewer with Plow fail to disclose or suggest "monitoring said sequential storage of data in said logical dataset to determine an occurrence of data storage at a location identified by said end storage address of said first physical storage dataset" and "continuing said sequential storage of data in a second physical storage dataset of said logical dataset starting at an address subsequent to said end storage address" as in the present claimed invention.

Accordingly it is respectfully submitted that the rejection of Claims 1– 20 should be reversed.

Respectfully submitted,



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APPENDIX I - APPEALED CLAIMS

1. (Previously Presented) A method for processing application program data for storage and retrieval employed by a processing device, comprising the steps of:

designating a logical dataset encompassing a plurality of physical storage datasets, each of said plurality of physical storage datasets having a predetermined storage capacity

storing an identifier identifying an end storage address of a first physical storage dataset of said logical dataset indicating end of said predetermined storage capacity of said first physical storage dataset;

sequentially storing data in said logical dataset;

monitoring said sequential storage of data in said logical dataset to determine an occurrence of data storage at a location identified by said end storage address of said first physical storage dataset; and

continuing said sequential storage of data in a second physical storage dataset of said logical dataset starting at an address subsequent to said end storage address.

2. (Previously Presented) The method of claim 1, further comprising:

maintaining a plurality of identifiers in a repository identifying each end storage address of each physical storage dataset of said plurality of physical storage datasets.

3. (Previously Presented) The method of claim 1, further comprising:

sequentially storing data in said first and second physical storage datasets.

4. (Previously Presented) The method of claim 1, further comprising:

monitoring the amount of storage used by the logical dataset to enable allocation of physical memory device resources to the logical dataset.

5. (Previously Presented) The method of claim 1 wherein said step of continuing said sequential storage of data comprises

extending the storage of data beyond a physical storage boundary of said first physical storage dataset in a subsequent physical storage dataset of said logical dataset starting at an address subsequent to said end storage address.

6. (Previously Presented) A method for processing application program data for storage and retrieval employed by a processing device, comprising the steps of:

designating a logical dataset encompassing a plurality of physical storage datasets, each of said plurality of physical storage datasets having a predetermined storage capacity;

maintaining an identifier identifying an end storage address of a first physical storage dataset of said logical dataset indicating end of said predetermined storage capacity of said first physical storage dataset;

sequentially storing data in said logical dataset;

monitoring said sequential storage of data in said logical dataset to determine an occurrence of data storage at a location identified by said end storage address of said first physical storage dataset; and

continuing said sequential storage of data in a second physical storage dataset of said logical dataset starting at an address subsequent to said end storage address.

7. (Original) The method according to claim 6, wherein

said step of monitoring said sequential storage of data in said logical dataset includes the step of maintaining an identifier of storage capacity used in response to storage of data in said logical dataset.

8. (Original) The method according to claim 7, wherein

said determination of said occurrence of data storage at said location identified by said end storage address of said first physical storage dataset is performed using said identifier of storage capacity used and said predetermined storage capacity of said first physical storage dataset.

9. (Original) The method according to claim 6, wherein

said end storage address of said first physical storage dataset of said logical dataset comprises a relative address.

10. (Original) The method according to claim 6, wherein

at least one physical storage dataset comprises an IBM virtual storage access method entry sequenced dataset (VSAM ESDS).

11. (Original) The method according to claim 6, wherein

said identifier identifying an end storage address comprises a pointer supporting identifying address locations of particular records in said logical dataset.

12. (Previously Presented) A system for processing data for storage and retrieval, comprising:

a processor adapted to:

designate a logical dataset encompassing a plurality of physical storage datasets, each of said plurality of physical storage datasets having predetermined storage capacities; and

a dataset processor adapted to:

maintain an identifier identifying an end storage address of a first physical storage dataset of said logical dataset indicating end of said predetermined storage capacity of said first physical storage dataset;

sequentially store data in said logical dataset;

monitor said sequential storage of data in said logical dataset to determine an occurrence of data storage at a location identified by said end storage address of said first physical storage dataset; and

continue said sequential storage of data in a second physical storage dataset of said logical dataset starting at an address subsequent to said end storage address.

13. (Previously Presented) The system of claim 12, wherein

said processor is adaptable to maintain an identifier of storage capacity used in response to storage of data in said logical dataset.

14. (Original) The system of claim 12, wherein

said dataset processor is adaptable to determine said occurrence of data storage at said location identified by said end storage address of said first physical storage dataset by using an identifier of storage capacity used and said predetermined storage capacity of said first physical storage dataset.

15. (Original) The system of claim 12, wherein

said end storage address of said first physical storage dataset of said logical dataset comprises a relative address.

16. (Original) The system of claim 12, wherein

said at least one physical storage dataset comprises an IBM virtual storage access method entry sequenced dataset (VSAM ESDS).

17. (Original) The system of claim 12, wherein

said identifier identifying an end storage address comprises a pointer supporting identifying address locations of particular records in said logical dataset.

18. (Previously Presented) A machine-readable media comprising instructions for a plurality of activities comprising:

designating a logical dataset encompassing a plurality of physical storage datasets, each of said plurality of physical storage datasets having predetermined storage capacities;

maintaining an identifier identifying an end storage address of a first physical storage dataset of said logical dataset indicating end of said predetermined storage capacity of said first physical storage dataset;

sequentially storing data in said logical dataset;

monitoring said sequential storage of data in said logical dataset to determine an occurrence of data storage at a location identified by said end storage address of said first physical storage dataset; and

continuing said sequential storage of data in a second physical storage dataset of said logical dataset starting at an address subsequent to said end storage address.

19. (Original) The machine readable medium of claim 18, wherein a physical storage dataset comprises an IBM virtual storage access method entry sequenced dataset (VSAM ESDS).

20. (Original) The machine readable medium of claim 18, wherein said end storage address of said first physical storage dataset of said logical dataset comprises a relative address.

APPENDIX II - EVIDENCE

Applicant does not rely on any additional evidence other than the arguments submitted hereinabove.

APPENDIX III - RELATED PROCEEDINGS

Applicants respectfully submit that there are no related proceedings in this present application.

APPENDIX IV - TABLE OF CASES

1. *In re Howard*, 394 F. 2d 869, 157 USPQ 615, 616 (CCPA 1968)

2. 29 AM. Jur 2D Evidence S. 33 (1994)

3. *In re Ahlert*, 424 F. 2d 1088, 1091, 165 USPQ 418, 420 (CCPA 1970)

4. *In re Eynde*, 480 F. 2d 1364, 1370; 178 USPQ 470, 474 (CCPA 1973)

5. *In re Fine*, 5 USPQ 2d 1600, (Fed Cir. 1988)

6. ACS Hospital Systems Inc v. Montefiore Hospital, 221 USPQ 929,933 (Fed. Cir. 1984)

7. *Graham v. John Deere Co.*, 383 U.S. 1, 17, 148 USPQ 459, 467 (CCPA 1966)

8. *Uniroyal, Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044, 1051, 5 USPQ2d 1434, 1438 (Fed.Cir. 1988), *cert. denied*, 488 U.S. 825 (1988)

9. *Ashland Oil Inc. v. Delta Resins & Refractories, Inc.*, 776 F.2d 28, 293, 227 USPQ 657, 664 (Fed.Cir. 1985), *cert. denied,* 475 U.S. 1017 (1986)

10. *In re Oetiker,* 977 F2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992)

APPENDIX V - LIST OF REFERENCES

U.S. Pat./Pub. No.	Issued Date	102(e) Date	Inventors
4,408,273	October 4, 1983		Plow
5,613,082	March 18, 1997		Brewer et al.

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